



Appeal Decision

Site visit made on 15 May 2024

by A Veevers BA(Hons) PGDipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2024

Appeal Ref: APP/K5600/W/23/3333078

77 Holland Road, Kensington and Chelsea, London W14 8HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Kennington Management Ltd against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/23/01101.
 - The development proposed is construction of mansard roof extension to provide 2no. self-contained flats at third floor level. Alterations to elevation associated with restoration of the façade of 77 Holland Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more accurately describes the development and I note the appellant has agreed to this change.

Main Issue

3. The main issue is the effect of the proposed development upon the host property, the terrace of which it is a part, and the surrounding area, including the setting of Holland Park Conservation Area (CA).

Reasons

4. The appeal site is a three storey, plus basement, residential property within a terrace of similar Victorian properties. The front elevation of the building is finished in an off-white render and features large bays at ground and first floor level with decorative parapet, embellished frieze surrounding second floor windows and below the eaves and a bottle balustrade roof parapet.
5. Several unsympathetic alterations to the original fabric of some properties within the terrace have taken place, including a mansard roof at each end of the terrace and one above No.57 Holland Road. Nevertheless, considerable uniformity to the height and appearance of the terrace is evident which provides a strong rhythm and aesthetic value to the row that contributes positively to the character of the street scene.
6. The terrace is located on the west side of Holland Road, a busy thoroughfare to and from central London. The eastern side of Holland Road, opposite the site, lies within the CA. From the evidence, and for the purposes of this appeal, the significance of the CA derives from the former Holland House, its parkland and

surrounding planned Victorian speculative residential areas. The architectural quality of imposing buildings and tree lined streets on the west side of Holland Road form a consistent and harmonising edge to the CA and this setting contributes to its heritage significance.

7. The appeal site was constructed at a similar period, towards the end of the 19th Century, as the 4-storey terrace on the opposite side of Holland Road that lies within the CA, and shares some of the characteristics of the CA. From the evidence and my observations there is a clear tangible and visual link with the appeal site, which reinforces legibility of the CA's origins. Thus, I consider the appeal site is a part of the setting of the CA that makes a positive contribution to its overall significance.
8. Although no statutory protection for the setting of a CA is present under the requirements of 72(1) of the Planning (Listed Buildings and Conservation Areas) Act for development outside its boundaries, the National Planning Policy Framework (the Framework) requires the impact of a proposal on a heritage asset to be taken into account, including development affecting its setting.
9. The Holland Park Conservation Area Appraisal 2017 (HPCAA) identifies that many roofs in the area have been harmed in various ways but that there are particularly good unaltered roofs in Holland Road. While the HPCAA refers to buildings in the CA, due to the proximity and shared characteristics of the appeal site, and the existing cohesive and predominantly uniform roofscape of the terrace group, the advice within it regarding alterations to buildings would be equally appropriate. In terms of roof alterations, the HPCAA sets out that, as with other architectural elements, they should conform to the design of the house and that of others in the same group.
10. Even though several original balustrade parapets have been removed from properties in the terrace, there remains a strong horizontal emphasis to the parapets in the row. The proposed roof extension would disrupt the visual consistency of the terrace, including the predominantly unbroken roofline and appear as an isolated and incongruous addition. It would add visual clutter to the skyline, drawing the eye and would not sit cohesively within the terrace. Given the design and height of the proposed mansard roof it would detract from the articulation of the balustrade parapet and diminish the character and proportions of the property and the terrace overall.
11. Whilst recognising that additional storeys and roof level alterations may be acceptable in some locations, Policy CL8 of the Royal Borough of Kensington and Chelsea Local Plan, September 2019 (LP) qualifies that will only be in cases where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where infilling would reunite a group. That is not the case in this appeal. Indeed the policy clarifies that additional storeys will be required to be architecturally sympathetic to the age and character of the building and group of buildings and at criterion (b)(viii) additional storeys will be resisted on terraces that are already broken only by isolated roof additions. As there are only 3no. roof extensions on the appeal terrace of 21no. buildings, the proposal would conflict with this criterion.
12. With its set back from the front parapet, the proposed mansard roof extension would not be clearly visible from street level when stood directly in front of the appeal property. However, the top of the mansard roof would be clearly visible from upper level windows of surrounding properties and it would have a

greater visual presence from street level on the opposite side of Holland Road and from longer views along Holland Road. From these vantage points, including from the important view identified in the HPCAA looking north along Holland Road, by reason of its design and height, the proposed massing of the mansard roof would result in an unexpected and bulky projection above the relatively homogenous roofline of the terrace, albeit these views would be partially screened by street trees when in leaf.

13. The design of the proposal does not replicate the roof of the opposite terrace which, in any event, forms part of the original design of this terrace. Rather, the proposed roof addition would result in a more intrusive change to the area that would adversely harm the significance of the CA as a designated heritage asset, through development within its setting. Even if there was no objection to the development from the Council's Conservation and Design Officer, this would not be a positive endorsement of the scheme and my assessment of the effect of the development remains unchanged.
14. I recognise that the terrace within which the appeal site sits includes a mansard roof above each end property in the row and a further roof addition above No.57 Holland Road. However, these end properties are flanked by high gable walls and chimneys and are therefore seen in a different context to the central relatively uninterrupted roofscape of the row. In terms of No.57, I have not been provided with the full details of the permission, if any, or the background of this individual example to make a robust comparison with the appeal proposal. Nonetheless, that development confirms the visual incongruity of such a roof addition. In any event, the existence of other examples does not justify further harm to the character and appearance of the terrace.
15. My attention has been drawn by the appellant to other roof forms in the wider Holland Road area, including other examples of mansard additions. Nevertheless, the examples put to me involve different developments with different styles or located in a different context to that proposed. As such, these other roof alterations in the wider area carry limited weight in my determination of this appeal proposal.
16. Whilst I acknowledge that the Framework supports opportunities for airspace development to accommodate new homes and make efficient use of land, this support is caveated by the expectation that development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and that it is well-designed (including complying with any local design policies and standards). Further support is given to mansard roof extensions on suitable properties where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard.
17. Although there are 3no. existing roof extensions on the terrace, due to the position and height of the proposal it would fail to accord with these expectations when considering the prevailing character of the roofscape in the terrace and the surrounding built and historic environment.
18. For the above reasons, the proposed roof form would result in a diminution of the significance of the CA and would have adverse impacts on the character and appearance of the host building, the terrace and surrounding area. The proposal would therefore conflict with Policies CL1, CL2, CL6, CL8 and CL11 of the LP insofar as these policies collectively seek that development, amongst

other things, is of high architectural quality that respects the existing context, character and appearance of the area and preserves or enhances views which affect the setting conservation areas.

19. In terms of the Framework, the harm to the significance of the CA would be less than substantial in the context of paragraph 205 of the Framework. Nevertheless, this harm is of considerable importance and weight. The Framework advises that such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I consider whether the less than substantial harm would be outweighed by public benefits in the heritage and planning balance later in the decision.

Other Matters

20. The Council refers to Policy CT1 of the LP which requires all new residential development to be permit free. The appellant has not addressed this point in their submissions other than to state that they reserve the right to produce a s106 obligation. The appellant has not put forward any mechanism which would ensure that the proposed development would be, in effect, car free. Whilst the Council did raise this point in the Statement of Case, it was not referred to in the Planning Officer's report, other than by policy reference, and the Council did not refuse planning permission on this ground. As I have found conflict with other policies of the development plan this is not something I have considered further or factored into my overall conclusion.

Heritage and Planning Balance

21. My attention has been drawn by the appellant to an announcement made by the government in February 2024 regarding the need to prioritise brownfield developments. While this matter is currently only at consultation stage, the proposal would result in two additional residential units that would make efficient use of land in a highly accessible location, adding to the housing mix and supply of the area. There would also be economic benefits associated with the construction phase and subsequent occupation of the residential units through local spend. These are benefits of the scheme that, due to the scale of the proposal, attract only moderate weight.
22. A previous appeal was dismissed on the site for a similar reason in relation to the character and appearance of the area and I have been provided with a copy of the decision¹. While I do not have the full details of that case before me, from the evidence presented, I recognise that this appeal proposal is different in that the existing balustrade parapet would be retained and the mansard would be lower in height. In addition, elevational and other changes to the property are proposed in an effort to enhance its appearance.
23. The proposed replacement of uPVC windows on the front elevation with timber sash or casement glazing, repair of bottle balustrade, re-instatement of entry portico, re-painting of the façade and replacement timber Victorian-style front door would represent an improvement to the appearance of the front elevation. Repairs to the front boundary wall, piers and the erection of ironwork fence/gate along with planters behind would also improve the appearance of the property when viewed from the street. The provision of 2no. street trees

¹ Appeal Ref: APP/K5600/A/01/1061251

would be likely to enhance the biodiversity and appearance of the street. Nevertheless, I have limited evidence that the appeal proposal is the only means to achieve such improvements to the property or street, or why the required repair / improvement works cannot be undertaken to the building without the proposed extension. I therefore attribute these benefits limited weight.

24. The appellant argues that the benefits of the proposal would be magnified if the proposed roof extension was replicated above every property in the terrace, it would amount to a further 42 residential units, would be visually cohesive and would provide a number of new street trees to the area. In addition, it is asserted that the proposal could act as a catalyst for owners of other properties in the terrace to carry out similar repairs and improvements which would result in a substantial improvement to the character and appearance of the terrace and the setting of the CA. Be that as it may, there are no such proposals before me, nor anything more than a theoretical possibility that such an event is likely to occur. As such, this assertion carries little weight in my consideration of the appeal at the current time.
25. Even if I were to agree that the size and living conditions of future residents of the proposed units would be acceptable, this is a neutral factor rather than one that carries positive weight in favour of the development.
26. The proposed development would be unacceptably harmful to the character and appearance of the host building, the terrace within which it sits and the setting of the CA. The Framework is clear that great weight needs to be given to the designated heritage assets' conservation. Against this, either taken individually or cumulatively, the public benefits are of moderate weight. Overall, and on balance, the benefits would not outweigh the totality of harm that would occur. Conflict would occur with paragraph 206 of the Framework, as any harm to the significance of the designated heritage asset would not have clear and convincing justification.
27. The appellant argues that the Council cannot demonstrate a five-year housing land supply. This is not disputed by the Council. This means that the presumption in favour of sustainable development set out in paragraph 11d) of the Framework is engaged. However, part i. of paragraph 11d) clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusing the development. In this instance, because the public benefits of the proposal would not outweigh the less than substantial harm that would occur, there is a clear reason to refuse the proposal. Thus, the 'tilted balance' in Paragraph 11d)ii is not relevant on this occasion.

Conclusion

28. For the reasons given above, the development would conflict with the local development plan and the Framework, and there are no material considerations of such weight to lead me to conclude other than that the appeal should be dismissed.

A Veevers

INSPECTOR